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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,314	04/06/2000	Claude Basso	RAL9-00-0049	8223

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IBM CORPORATION
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EXAMINER

CAO, DIEM K

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 03/15/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,314

Applicant(s)

BASSO ET AL.

Examiner

Diem K Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to the request for continued examination under 37 CFR 1.114 filed on 12/29/2003.
2. Claims 1-10 remain in the application. Applicant has amended claims 1 and 5.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/29/2003 has been entered.

Drawings

4. Amended Figure 2 is not found in the amendment filed on 12/4/2003 in response to the Objection to Drawing section (page 7). The previous objection to drawing in the Final Rejection is still maintained.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 5-6, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narisi et al. (U.S. 6,233,619 B1).

7. **As to claim 1**, Narisi teaches providing software enabled functions that open and close inter process communication paths for transmitting and receiving of inter process communication frames (MSS_OPEN_DIALOG, MSS_CLOSE_DIALOG; col. 31, lines 10-47 and MSS_Create_Endpoint_Dialog, MSS_Open_Endpoint_Dialog, MSS_Close_Endpoint_Dialog; col. 34, line 24 – col. 35, line 46), providing software enabled functions that allow the inter process communication frames to be stacklessly transmitted to one of several processors in the network processing environment (a VTL and MSS which allow the ... bypass the conventional ISO network protocol stack; col. 12, line 53 – col. 13, line 32), upon calling an open software transmit/receive IPC path function, selecting by software either data or control path to transmit or receive the inter process communication frames (control path, data path; col. 28, lines 1-11 and MSS_DATA, MSS_CONTROL_DATA; col. 32, lines 13-31 and MSS_Send_Control_Msg, MSS_Deliver_Data; col. 36, lines 5-67 and MSS packet; col. 28, lines 15-40).

8. However, Narisi does not explicitly teach the inter process communication frames include guided frames. Narisi teaches the packets are used to transfer both control and user data between MSS environments and MSS control information (col. 28, lines 15-40), and MSS 92 places control information to complete the operation needed by the MSS 96 in the buffer (col. 22, line 53 – col. 23, line 64).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made the guided frames (packets) are implemented in the system of Narisi because the guided frames contains information to complete a transaction.

10. **As to claim 2**, Narisi teaches determining if an IPC path function is a send or receive function, and if a receive function, calling a receive IPC function (Deliver_Data, Deliver_Data_Complete, Accept_Data, Accept_Data_Complete, Data_Notification, Retrieve_Data; col. 21, line 24 – col. 22, line 31).

11. **As to computer system claim 5**, it corresponds to the method claim of claim 1.

12. **As to claim 6**, see rejection of claim 2 above.

13. **As to claims 9 and 10**, Narisi does not explicitly teach the inter process communication frames include headers to exchange various frame formats. However, Narisi teaches header information of a frame is used to determine the network protocol provider (col. 3, line 63 – col. 4, line 17), the MSS provides a level of abstraction which allows the same interface to be used by multiple platforms (col. 18, lines 16-35), the Data Transfer Header (col. 24, lines 11-28 and col. 29, lines 1-25), and the system can be used to transfer data to and from multiple network protocol providers on each system. It would have been obvious to one of ordinary skill in the art

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at the time the invention was made to modify the system of Narisi based on the teaching because it provides a method for exchanging data between different network protocol providers.

14. Claims 3-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narisi et al. (U.S. 6,233,619 B1) in view of Isfeld et al. (U.S. 5,802,278).

15. **As to claim 3**, Narisi does not teach determining if an IPC frame to be sent is to be unicast or multicast, if multicast then calling a multicast transmit function, but if unicast then calling a unicast transmit function. However, Narisi teaches a message can be send to one or more applications (the system can be used to transfer data to and from multiple network protocol providers on each system; col. 57, lines 24-35 and the same interface to be used by multiple platforms; col. 18, lines 16-35). Isfeld teaches determining if an IPC frame to be sent is to be unicast or multicast, if multicast then calling a multicast transmit function, but if unicast then calling a unicast transmit function (unicast, broadcast functions; col. 40, lines 1-67 and IP CEC and IP DPMS; col. 43, line 50 – col. 45, line 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Narisi and Isfeld because it provides a method for custom applications can be developed faster and more cost effectively (col. 2, lines 1-59).

16. **As to claim 4**, Narisi teaches closing a software transmit/receive IPC path function (MSS_DATA, MSS_CONTROL_DATA; col. 32, lines 14-30 and MSS_Send_Control_Msg,

MSS_Deliver_Data, MSS_Retrieve_Data_Msg, MSS_Receive_Message; col. 36, line 5 – col. 38, line 67).

17. **As to claims 7-8**, see rejections of claims 3-4 above.

Response to Arguments

18. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K Cao whose telephone number is (703) 305-5220. The examiner can normally be reached on Monday - Thursday, 9:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any response to this action should be mailed to:

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Diem Cao


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SUPERVISORY PATENT EXAMINER
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